



1 JUN 2009

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WESTERNGECO LLC  
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Houston, TX 77252-2469

In re Application of :  
MARTIN *et al* :  
Application No.: 10/530,695 :  
PCT No.: PCT/GB2003/004499 :  
Int. Filing Date: 13 October 2003 :  
Priority Date: 11 October 2002 :  
Docket No.: 2088.001400/14.0223 :  
For: METHOD AND APPARATUS FOR :  
POSITIONING OF SEISMIC :  
CABLES :

## DECISION

This is a decision on the second renewed petition under 37 CFR 1.47(a) filed 22 August 2008.

### BACKGROUND

On 07 July 2008, a decision dismissing applicants' renewed petition under 37 CFR 1.47(a) was mailed. Applicants were given two months to respond.

On 22 August 2008, applicants filed the subject response which was accompanied by, *inter alia*, a declaration of Leslie Goldsmith and documentary evidence in support of the second renewed petition.

### DISCUSSION

Applicants claim that co-inventor Kyrre Tjoems refuses to cooperate.

As previously indicated, a petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant. All items are satisfied except item (2).

Regarding item (2), the 37 CFR 1.47(a) applicants did not provide evidence showing that a complete copy of the subject application, including specification, claims and drawings, was sent to, and received by the nonsigning inventor.

In the response filed 22 August 2008, petitioners have evidence showing that a

complete copy of the application and declaration along with a request to cooperate was provided to the nonsigning inventor via email on 17 July 2008. Applicants provided evidence showing that the email was read on 18 July 2008.

Moreover, applicants also sent the documents via Federal Express to the last known address of the nonsigning inventor. The package was delivered on 21 July 2008. Ms. Goldsmith states in her declaration that no response was received from Mr. Tjoem as of 21 August 2008.

The evidence previously submitted along with the information submitted in the present petition is sufficient to show that the conduct of Mr. Tjoem constitutes a refusal as contemplated by section 409.03(d)(II) of the MPEP. Applicants have now provided sufficient evidence to meet the requirements of item (2) of 37 CFR 1.47(a).

Accordingly, all the requirements of 37 CFR 1.47(a) are complete.

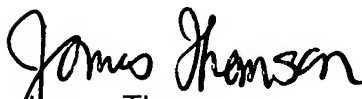
### **CONCLUSION**

Applicants' second renewed petition under 37 CFR 1.47(a) is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 13 October 2003 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 13 February 2006.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record and will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing including the mailing of a new Notification of Acceptance of Application Under 35 U.S.C. 371 and 1.495 (Form PCT/DO/EO/903).



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Mr. Tjoem:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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